



(TRANSLATION)

NOTICE OF REASONS FOR REJECTION

Date of Issuance: August 2, 2000

Date of Dispatch: August 15, 2000

Patent Application No. 527121/96

Examiner in Charge: K. Hirata

It is deemed that this application should be rejected on the grounds set forth below. If applicant has an argument against them, it is requested that a written Argument be filed within three (3) months from the date of dispatch of this Notice.

REASONS

1. It is deemed that the invention set forth in the following claims of this application shall not be patentable under the provisions of Article 29, paragraph 2 of the Patent Law, since this invention could have easily been made by any person having ordinary knowledge in the field of technology to which this invention pertains, on the basis of the inventions disclosed in the following publications circulated in Japan or in a foreign country prior to the filing date of the application concerned.
2. This application fails to satisfy the requirements prescribed in Article 36, paragraphs 4 and 5 of the Patent Law, since the descriptions of the specification and drawings are deemed to be defective as pointed out in the following remarks.

REMARKS

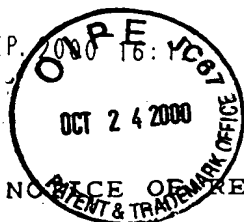
[In re Reason 1]

Claims 1-31

Publications

1. Veterinary Immunology and Immunopathology, 31(1992) p.141-153
2. Veterinary Microbiology, 30(1992) p.35-46
3. Current Microbiology, 15(1987) p.233-239
4. Japanese Laid-Open Patent Publication No. 87199/91
5. Japanese Laid-Open Patent Publication No. 91882/93
6. Japanese Laid-Open Patent Publication No. 167079/90
7. Japanese Laid-Open Patent Publication No. 291271/90
8. Japanese Laid-Open Patent Publication No. 274687/86
9. Japanese Laid-Open Patent Publication No. 258427/88

- to be continued -



NOTICE OF REASONS FOR REJECTION

- page 2 -

10. Japanese National Phase Patent Publication No. 506984/93
11. Pamphlet of International Publication No. WO 90/07935
12. Journal of Bacteriology, 177(1995) p.1915-1917 (for claims 10 and 27-31)

【Note】

The methods themselves described in claims 1, 11 and 18 do not differ from the method disclosed in Cited Reference 4 above. It is not difficult at all for those skilled in the art to do such things as applying the method disclosed in said Cited Reference 4 in order to obtain an antigen against Mycoplasma hyopneumoniae having the same molecular weight as in the present application, disclosed Cited References 1-3 or 5-11 above.

With respect to the inventions set forth in claims 10 and 27-31, Cited References 5 and 12 disclose that the DNA sequence of an antigen of 46 kilodaltons was determined.

The sequences described in claim 10 and in Figures 6 and 7 are not included in an Australian patent application on which a claim to priority in the present application is based. Thus, with regard to claims 10 and 27-31, Cited Reference 12 above is also treated as a publication circulated prior to the filing date of the present application.

[In re Reason 2]

As to individual antigens, extraction with SDS or Triton X-114 is disclosed, but no detailed explanation is given of a method for isolation other than that. Therefore, it is not deemed that those skilled in the art would be able to readily obtain antigens having such purity as to enable a partial sequence to be determined, in such an amount as to be fully utilizable, and it is impossible for those skilled in the art to put the invention into practice.

In claim 2, mutants, derivatives and fragments are mentioned, but with regard to antigens other than those in the 46-48 kD region, their entire sequences are not disclosed, and it is impossible for those skilled in the art to put the invention into practice. Said derivatives are not clearly defined.